

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE,)
)
Plaintiff,) Case No.
)
vs.) Circuit Court of City of St. Louis
) Cause No.: 2322-CC06234
LESLIE SUTTON,) **JURY TRIAL DEMANDED**
)
Defendant.)

NOTICE OF REMOVAL

COMES NOW Defendant Leslie Sutton (“Defendant”), by and through undersigned counsel, and pursuant to 28 U.S.C. § 1441 et seq., files this Notice of Removal of this lawsuit, originally filed in the Circuit Court of the City of St. Louis, State of Missouri, and in support of this Notice of Removal states as follows:

1. An action was commenced against Defendant in the Circuit Court of the City of St. Louis, State of Missouri, entitled John Doe v. Leslie Sutton, bearing cause number 2322-CC06234. Service of summons and petition was made upon Defendant on or about September 17, 2023. This case is a civil action over which this Court has original jurisdiction, pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 et seq.

2. The Plaintiff’s Petition asserts allegations of negligence and intentional torts by a foreign citizen against a citizen of a state.

3. Plaintiff alleges he resides in, and is as such a citizen of, Canada. (See Petition Attached hereto as “Exhibit A”).

4. Plaintiff alleges Defendant Leslie Sutton is a Missouri citizen. (See Petition attached hereto as “Exhibit A”).

5. That specifically upon information and belief, the amount in controversy in Plaintiff's action exceeds \$75,000 in damages, exclusive of interest and costs, based upon the following information available to defendant:

- a. Although the prayer in this case requests judgment against Defendant in amount in excess of \$25,000, under Missouri law the plaintiff is not bound by the prayer.
- b. That in a text message from Plaintiff to Defendant, Plaintiff stated he sought \$125,000 in this suit.

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within 30 days of this Defendant's notice of Plaintiff's lawsuit.

7. That pursuant 28 U.S.C. §1332, complete diversity exists between the parties to this lawsuit.

8. There is filed with this Notice of Removal a true and correct copy of all process, papers, exhibits, pleadings and orders served upon Defendant in this action.

9. Also accompanying this Notice of Removal is a Notice of Filing Removal Notice in the Circuit Court of the City of St. Louis, State of Missouri.

WHEREFORE, Defendant Leslie Sutton prays the above-captioned action be removed from the Circuit Court of the City of St. Louis, State of Missouri, to this Court.

/s/ Justin A. Hardin
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served by the Court's electronic filing system on this 17th day of October, 2023, on the counsel of record listed below.

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